

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 153 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE R.BALIA.

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

CARE & CURE MEDICINES LTD.

Versus

GUJARAT STATE FINANCE CORPORATION

Appearance:

NANAVATY ADVOCATES for Petitioner

MR RD DAVE for Respondent No. 1

CORAM : MR.JUSTICE R.BALIA.

Date of decision: 05/02/98

ORAL JUDGEMENT

Heard Learned Counsel for the appellant as well as Learned Counsel for the respondent. The prayer for temporary injunction against sale of the unit in question by the defendant/respondent Gujarat State Finance Corporation in exercise of its power under Sec.29 of the State Finance Corporation Act during the pending the suit was rejected by the Trial Court. Hence this appeal.

2. In rejecting the prayer for temporary injunction, the Trial Court has taken into account that enough opportunity was available to the plaintiff to deposit the amount due to the Corporation and save the situation. The plaintiff had also approached the High Court for the similar relief by way of Special Civil Application No. 8265/96 which was dismissed on 7.11.96 after the plaintiff failed to avail with the opportunity granted to him, to deposit Rs.10 lakhs before his prayer for the relief could be considered.

2. In these circumstances, I do not find any force in this appeal to interfere with the order of the Trial Court. The appeal is dismissed. No order as to costs.

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